

1 **MACDONALD | FERNANDEZ LLP**
2 Reno F.R. Fernandez III (SBN 251934)
3 221 Sansome Street, Third Floor
4 San Francisco, CA 94104
5 Telephone: (415) 362-0449
6 Facsimile: (415) 392-5544

7
8 Attorneys for Creditor,
9 RACHEL KUECHLE

10
11 **UNITED STATES BANKRUPTCY COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 In re
14 **EVANDER FRANK KANE,**
15
16 Debtor.

Case No. 21-50028-SLJ-7

Chapter 7

R.S. No. MF-1

17 **RACHEL KUECHLE'S MOTION FOR**
18 **LIMITED RELIEF FROM THE**
19 **AUTOMATIC STAY**

Date: November 9, 2021

Time: 10:00 a.m.

Place: Via Zoom Video Conference

Honorable Stephen L. Johnson

20 **COMES NOW** Rachel Kuechle, Creditor herein, moving for limited relief from the
21 automatic stay to prosecute to judgment that certain action before the State of New York Supreme
22 Court, County of Eerie, now pending as *Kuechle v. Kane*, Index No. 807030/2016, but only as to her
23 cause of action for negligent injury, and to receive any insurance proceeds to which she may become
24 entitled thereby, but not to enforce any judgment against the Debtor or the estate, pursuant to
25 Bankruptcy Code §§ 105(a) and 362(d)(1), Rule 4001(a) of the Federal Rules of Bankruptcy
26 Procedure and Bankruptcy Local Rule 4001-1. Pursuant to Bankruptcy Local Rule 4001-1(a), the
27 Debtor is advised to appear at the hearing personally or through counsel. This Motion is supported
28 by the accompanying Memorandum of Points and Authorities, the accompanying Declaration of
Samuel J. Capizzi, the accompanying Request for Judicial Notice and such additional evidence,
representation and argument as may be offered in connection herewith. For further particulars,

1 reference is made thereto.

2 **WHEREFORE**, Creditor Rachel Kuechle prays for entry of an order:

3 1. Granting her relief from the automatic stay to the extent necessary to prosecute her
4 cause of action for negligent injury to judgment before the aforesaid court;

5 2. Providing that she may receive any insurance proceeds to which she may become
6 entitled thereby;

7 3. Providing that she may not enforce any resulting judgment against the Debtor or the
8 estate without further order of this Court; and

9 4. For such other and further relief as is appropriate in the premises.

10 DATED: October 26, 2021

MACDONALD FERNANDEZ LLP

11 By: /s/ Reno F.R. Fernandez III
12 Reno F.R. Fernandez III
13 Attorneys for Creditor,
14 RACHEL KUECHLE
15
16
17
18
19
20
21
22
23
24
25
26
27
28